Criminal Misc. Application No. 165 of 2001
Old. No. 5168 of 1999

Smt. Usha Swahney and another..... Applicants

Vs.

State of Uttaranchal and others..... Respondents

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Hon. M.C. Jain, J.

Heard Sri Arvind Vashistha, learned counsel for the applicant.

It appears that proceedings u/s 145.Cr.P.C. are pending before the S.D.M. Kashipur in respect of certain immovable property. During the course of proceedings. the supurdagi in respect of disputed property was changed- by order dated 21.8.1999. Aggrieved. One of the parties preferred revision before the Sessions Judge and on being unsuccessful. The present applicants u/s 482. Cr.P.C. has been moved. By the order dated 15.10.1999 the operation of the order dated 21.8.1999 was stayed.

On hearing learned counsel for the applicant and on going through the impugned order. I think that it would be proper to direct the conclusion of the proceed- ings u/s 145,Cr.P.C. as expeditiously as possible and to vacate the stay order dated 15.10.1999. The reason is that no harm is going to be caused to the applicants by the simple change of Supurdagi in case the proceed- ings are directed to be decided at an early date. Accord- ingly. It is directed that the Magistrate concerned shall conclude proceedings u/s 145.Cr.P.C. expeditiously within three months from the date of production of certified copy of this order. Interim order dated 15.10.1999 is discharged meaning thereby that the change of Supurdagidar as ordered by the S.D.M. on 21.8.1999 shall take effect.

The application is disposed of accordingly.

Sd/-

Dt. 3.11.01

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